

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 50, “Health Care Facilities Administration,” Iowa Administrative Code.

The amendments implement legislative changes made to Iowa Code section 135C.33 by 2014 Iowa Acts, House File 2365. The legislation provides employers and certified nurse aide training programs with additional time to verify the conviction or entry of a record of founded abuse of current employees. The change from 48 hours to seven calendar days resulted from recommendations of the Background Check Study Committee that met in 2013 pursuant to 2013 Iowa Acts, Senate File 347. The Committee recommended the change because the information necessary for employers or training programs to verify a conviction or founded abuse may take up to seven calendar days to be available on the system used by employers or training programs for verification.

Item 5 changes the requirement for submission of a plan of correction from ten working days to ten calendar days. A plan of correction is submitted by facilities to explain how the facility will correct a deficient practice identified by the Department during an inspection. The change to ten calendar days is consistent with federal requirements, thereby eliminating confusion for providers.

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

The State Board of Health reviewed the proposed amendments at its May 14, 2014, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 1, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135C.14 and 135C.33 and 2014 Iowa Acts, House File 2365.

The following amendments are proposed.

ITEM 1. Amend paragraph **50.9(9)“a”** as follows:

a. The employer shall act to verify the information within ~~48 hours~~ seven calendar days of notification. “Verify,” for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

ITEM 2. Amend paragraph **50.9(10)“a”** as follows:

a. The facility shall act to verify credible information within ~~48 hours~~ seven calendar days of receipt. “Verify,” for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

ITEM 3. Amend subparagraph **50.9(12)“c”(1)** as follows:

(1) The program shall act to verify the information within ~~48 hours~~ seven calendar days of notification. “Verify,” for purposes of this paragraph, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents. If the information is verified, the program shall follow the requirements of paragraph 50.9(12)“a” to determine whether or not the student’s involvement in a clinical education component may continue.

ITEM 4. Amend paragraph **50.9(12)“d”** as follows:

d. Program receipt of credible information that a student has been convicted of a crime or has a record of founded abuse. If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student, and the student has not informed the program of such information within 48 hours, the program shall act to verify the credible information within ~~48 hours~~ seven calendar days of receipt of the credible information. “Verify,” for purposes of this paragraph, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents. If the information is verified, the requirements of paragraph 50.9(12)“a” shall be applied to determine whether or not the student’s involvement in a clinical education component may continue.

ITEM 5. Amend subrule **50.10(7)**, introductory paragraph, as follows:

50.10(7) Plan of correction. Within ten ~~working~~ calendar days following receipt of the statement of deficiencies, the health care facility shall submit a plan of correction to the department.